

PTO/SB/25 (10-00)

<b>TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>	<b>Docket Number</b> 2503020-991101
<p>In re Application of: Romaine McNelis          Application No.: 10/630,534          Filed: July 29, 2003          For: Romaine McNelis</p> <p>The owner*, <u>Romaine McNelis and John McNelis</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,598,751</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1898</u>. A duplicate copy of this sheet is enclosed.</p>	
<input checked="" type="checkbox"/> Customer Number or Bar Code Label <u>26379</u> <small>(Insert Customer No. or Attach bar code label here)</small>	
<p>Respectfully submitted,</p> <p>GRAY CARY WARE &amp; FREIDENRICH LLP</p> <p>Dated: <u>September 9</u>, 2004</p> <p>By: <u>Timothy W. Lohse</u>          Timothy W. Lohse          Reg. No. 35,255          Attorneys for Applicant(s)          2000 University Avenue          East Palo Alto, CA 94303          650-833-2055</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>	

Gray Cary\EM\17172985.1  
 2503020-991101